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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,304	03/30/2004	Lynton R. Burchette	IMG.019	5308
26984	7590	06/19/2007		
WILLIAM L. LONDON 3010 LEE AVENUE P.O. BOX 152 SANFORD, NC 27330			EXAMINER LEE, SUSAN SHUK YIN	
			ART UNIT 2852	PAPER NUMBER
			MAIL DATE 06/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/701,304

Applicant(s)

BURCHETTE, LYNTON R.

Examiner

Susan S. Lee

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,9,10,12,14-26,34-39 and 41 is/are pending in the application.
- 4a) Of the above claim(s) 4,6,9,14,15,17-26,35-37 and 41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 10, 12, 16, 34, 38, 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 1, 3, 10, 12, 16, 34, 38, and 39 are objected to because of the following informalities:

As to claim 1, lines 3-4, "the electronic circuit adapted for wireless communications" is vague and unclear since it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

As to claim 3, line 2, "a ledge adapted to receive a tool" is vague and unclear since it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

As to claim 10, line 10, "the electronic circuit adapted for wireless communications" is vague and unclear since it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

As to claim 12, line 2, "a ledge adapted to receive a tool" is vague and unclear since it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

As to claim 34, lines 4-5, "the electronic circuit adapted for wireless communication" is vague and unclear since it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

As to claim 39, lines 1-2, "a ledge adapted to receive a tool" is vague and unclear since it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 10, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blume et al. (2004/0253981) in view of Kasuya et al.

Blume et al. discloses a cellular telephone 10 that reads on the instant invention's replaceable imaging cartridge since it can be a digital camera-enabled mobile phone or a wireless network enabled personal digital assistants (PDA), thus creating images. The Merriam-Webster dictionary defines a "cartridge" as a case or

container that holds a device or material that is difficult or awkward to handle and can easily be changed. This holds true for a cellular phone or a PDA since each has many components inside of a case and is replaceable. The cellular phone or replaceable imaging cartridge 10 has a print control system 100 that may include a memory 110 and a set of print data 130. The set of print data 130 can be transmitted to an image forming device 140 via various means including wireless methods such as Bluetooth. Note page 2, paragraphs [0024] – [0026].

Blume et al. differs from the instant invention by not disclosing the replaceable imaging cartridge having a casing for an electronic circuit, the casing having at least one indenture formed on one of a plurality of walls of the casing for removal of the casing.

Kasuya et al. discloses a radio communication card used in cellular phones (column 1, lines 18-21) and PDAs (column 3, lines 53-59). The radio communication card has a card body 100 with a recess 6 that contains antenna portion 7. The card body 100 comprises a connector 4 (note column 5, lines 3-14) that is electrically connected to the information processing apparatus (cellular phone or PDA); and a substrate 15 loaded with a plurality of electronic components and is electrical connected to antenna portion 7 (note column 7, lines 16-27) for radio communications. The antenna portion 7 has a chip antenna containing section 12 with a chip antenna 19 (note column 8, lines 4-25). The antenna portion 7 can be pulled out from card body 100 by using a nail of the user or a tip of a pencil or pen to catch a cutout portion 9 or indenture 9 or by using a protrusion 10 or ledge 10 by gripping it with fingers. Note column 6, lines 4-32.

It was obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Blume et al. with that of Kasuya et al. to prevent reduction of the wave receiving sensitivity and prevent limitations of the arrangement of the substrate, components, and wiring patterns in the card body as disclosed by Kasuya et al (note column 2, lines 12-22).

Claims 1, 3, 10, 12, 16, 34, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (7,027,755), Yoshida et al. (2002/0085847), and Yonetani et al. (Japan, 899).

Ito et al. discloses a process cartridge 12 that is mountable in a printer 10 in a removable manner. The cartridge 12 has a cartridge memory 65 that reads on the instant invention's electronic casing holding an electronic circuit. To connect the memory 65 electrically to printer's CPU 60, there are contact points outside of the cartridge 12, and contact points in the printer main unit 11. Note column 7, lines 1-28 and column 9, lines 9-18. The memory 65 of the cartridge can be removable or exchangeable. The cartridge can be recycled when memory 65 is removed. Note column 42, lines 3-46.

Ito et al. differs from the instant invention by not disclosing the electronic circuit uses wireless communications and a structure on the casing used for the removal.

Yoshida et al. discloses replaceable parts of an image forming device such as toner cartridge 3 having storage means such as radio ID chips 5, 6, 7, and 8 for identifying a genuine part. Note page 3, paragraph [0044] .

Yonetani et al. discloses an IC package 1 or casing 1 having an electronic chip 3 and protrusion 4 with indenture 5. An external tool with knob 7 and a protrusion part 9 is used to remove the casing 1 from a socket the IC package is connected to as the protrusion part 9 contacts the indenture 5 for easy removal of the casing 1 from a socket. Note abstract and Figs. 1-28.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Ito et al. with that of Yoshida et al. for more efficiency and with that of Yonetani et al. so that when cartridges are refurbished or recycled, memory chips (casing) attached to the cartridges can be easily removed as taught by Yonetani et al. (note abstract).

Claims 1, 3, 10, 12, 16, 34, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. in view of Kasuya et al.

Yoshida et al. discloses replaceable parts of an image forming device such as toner cartridge 3 having storage means such as radio ID chips 5, 6, 7, and 8 for identifying a genuine part. Note page 3, paragraph [0044]. The radio ID chip has an antenna 40. Note page 23, paragraph [0276].

Yoshida et al. differs from the instant invention by not disclosing the casing of the electronic circuit having a structure on the casing used for the removal.

Kasuya et al. discloses a radio communication card used in cellular phones (column 1, lines 18-21) and PDAs (column 3, lines 53-59). The radio communication card has a card body 100 with a recess 6 that contains antenna portion 7. The card body 100 comprises a connector 4 (note column 5, lines 3-14) that is electrically

connected to the information processing apparatus (cellular phone or PDA); and a substrate 15 loaded with a plurality of electronic components and is electrical connected to antenna portion 7 (note column 7, lines 16-27) for radio communications. The antenna portion 7 has a chip antenna containing section 12 with a chip antenna 19 (note column 8, lines 4-25). The antenna portion 7 can be pulled out from card body 100 by using a nail of the user or a tip of a pencil or pen to catch a cutout portion 9 or indenture 9 or by using a protrusion 10 or ledge 10 by gripping it with fingers. Note column 6, lines 4-32.

It was obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Yoshida et al. with that of Kasuya et al. to prevent reduction of the wave receiving sensitivity and prevent limitations of the arrangement of the substrate, components, and wiring patterns in the card body as disclosed by Kasuya et al (note column 2, lines 12-22).

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 10, 12, 16, 34, 38, and 39 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments to Yonetani as the protrusion part 4 extending outward from the IC package, protrusion part 4 is interpreted as one of the plurality of walls of the IC package. Thus, the indentation 5 created by the protrusion wall 4 reads on the instant invention's indentation.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schuster et al. discloses removing a casing 224 with an indenture 318.


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan S. Lee whose telephone number is 571-272-2137. The examiner can normally be reached on Mon. - Fri., 10:30-8:00, Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119 or 571-272-2800 (Ext. 52). The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Susan S. Lee
Primary Examiner
Art Unit 2852

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